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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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SEP 18 2009

KRISTIN K. MAYES, CHAIRMAN  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

2009 SEP 18 P 3:34

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL



IN THE MATTER OF THE APPLICATION  
OF DEL RIO WATER COMPANY, LLC, FOR  
A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER  
SERVICE IN YAVAPAI COUNTY,  
ARIZONA.

Docket No. W-04074A-08-0094

REPLY TO RESPONSES TO  
APPLICANT'S REQUEST FOR  
EXTENSION OF TIME

Applicant Del Rio Water Company (the "Company") responds to the responses of Staff and Appaloosa Water Company to the Company's request for extension of time.

The Company's sole member, which also owns most of the Del Rio master planned development, is finalizing an offering to raise additional equity. It plans to issue the offering within the next two weeks, and expects to know by the end of this year whether it is successful. It is only a little more than 100 days until the end of the year. If this matter stays on hold until then, it may well save both the Company and Staff the time and expense of starting this process over. The Company acknowledges that it has not responded to Staff's last data request, but this matter has been on hold pursuant to Procedural Order and the requests go largely to the financing of the Company, which in turn depends on the financing of its member. Under those circumstances it was not necessary or possible to answer the data requests, but responses will be forthcoming when the processing of the Company's application resumes.

Appaloosa's response to the Company's request should be stricken or disregarded because Appaloosa has once again failed to give the Company any notice that it filed it, just like when Appaloosa filed its response to a previous issue in this matter in October, 2008. If the Company had not reviewed the docket in this matter prior to making this filing, it would not have known Appaloosa had filed anything. Appaloosa's desire to serve the Del Rio


1 development does not go to the merits of the Company's request and is not a reason to deny  
2 it. The Company has previously filed letters from the landowners within the Del Rio  
3 development saying that they do not want and will not accept water service from Appaloosa.

4 Appaloosa's own application in Docket W-03443A-0800540 is subject to  
5 administrative dismissal, and if the Company's application is dismissed, Appaloosa's, which  
6 pertains mostly to the same area, must also be dismissed. The Company filed a detailed  
7 application for a water CC&N and has responded to all requests of Staff during its  
8 processing. Appaloosa filed a skeletal application that shows a basic ignorance of Del Rio's  
9 development plans and applicable law. By letters from Staff dated November 14, 2008 and  
10 April 9, 2009, Appaloosa was informed of serious deficiencies in its application and warned  
11 that its application would be administratively closed for failure to respond. Appaloosa's  
12 belated response to these letters, dated August 27, 2009, is woefully inadequate. It would be  
13 a violation of the Company's rights to basic fairness, due process and equal protection to  
14 dismiss the Company's application but leave Appaloosa's application open under these  
15 circumstances.

16 The Company therefore again requests that the Commission's further processing of  
17 the Company's application for a water Certificate of Convenience and Necessity remain on  
18 hold until December 31, 2009, and that Appaloosa's response be stricken. On or before  
19 December 31, 2009, the Company will file in this docket a notice discussing the status of the  
20 Del Rio project refinancing and stating the Company's intent regarding its application in this  
21 matter.

22 RESPECTFULLY SUBMITTED this 18th day of September, 2009.

23 MOYES SELLERS & SIMS LTD.

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1 Original and 15 copies of the foregoing  
2 filed this 18th day of September, 2009, with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 West Washington  
6 Phoenix, Arizona 85007

7 Copy of the foregoing mailed this  
8 17<sup>th</sup> day of September, 2009, to:

9 Janice Alward, Chief Counsel  
10 Legal Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
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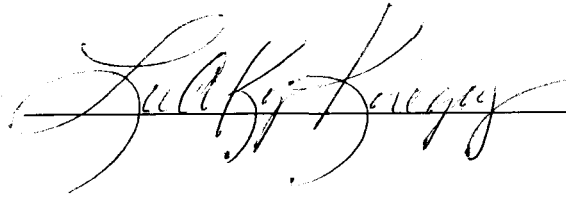
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